

FILED
for Roanoke
MAY 26 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK
BY: *M. Hey*
DEPUTY CLERK

JESSE DUNAWAY,)	Civil Action No. 7:10-cv-00120
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
DIR. OF THE DEPT. OF CORR.,)	By: Hon. Jackson L. Kiser
Respondent.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that respondent's motion to dismiss is **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; a Certificate of Appealability is **DENIED**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This 20th day of May, 2010.

Jackson L. Kiser
Senior United States District Judge